REMARKS

The application contains claims 1-35. By this amendment, claims 1, 8, 15, 19, 26 and 32 have been amended. No new matter has been added. In view of the foregoing amendments and following remarks, Applicant respectfully requests allowance of the application.

§ 103 Rejections

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being unpatenable over *Fisher et al.* (U.S. Pat. No. 6,092,189) in view of *Chou et al.* (U.S. Pat. No. 5,892,906). Applicant respectfully requests withdrawal of these rejections because the cited art fails to teach or suggest, either alone or in combination, all elements recited in the claims.

The present invention enables a generically configured system purchased by a consumer to be immediately possessed by the consumer and subsequently customized from the customer's premises. As a result, the present invention minimizes the time a manufacturer of the system spends customizing the system when the customer is not in possession of the purchased system. As stated on page 2, lines 12-22 of the specification:

> [I]n accordance with the invention, **the customer may be provided with the basic pre-assembled system having modem capabilities, and on his/her own download the specified software components onto the system from a server to customize the system.** Advantageously, **by shifting the customization burden onto the customer in accordance with the invention, the customer can be in possession of a P-C product as soon as the purchase thereof is consummated.** In addition, the product manufacturer saves on the otherwise labor and time for installing the software options for the customer.

Claim 1 clearly illuminates this aspect of the present invention. In particular, claim 1 recites:

> An apparatus for serving a plurality of devices through a communications network, the apparatus comprising:
> a memory for storing a plurality of records associated with the devices, respectively;
> an input element for receiving from a selected device a request that is generated upon initial power up of the selected device for configuration of the selected device from a generic configuration to a selected or custom configuration through the

communications network, the request including coded information, **wherein the selected device is physically possessed by a customer;**

a processor responsive to the request for locating a record associated with the selected device, and verifying an identity of the selected device based on the coded information, the record including second information concerning the selected or custom configuration for the selected device, the selected or custom configuration corresponding to a predetermined feature set of the selected device; and

an output element for providing through the communications network to the selected device information objects for modifying the generic configuration to the selected or custom configuration based on the second information when the identity of the selected device is verified.

Neither *Fisher et al.* nor *Chou et al.* teach or suggest the configuration of a **device that is physically possessed by a customer.** In direct contrast to the present invention, *Fisher et al.* discloses "a system of software distribution and installation which provides for pre-installation of software at a remote manufacturing facility [such that] software is . . . installed from the database server onto assembled computers for shipment [to a customer]." (Col. 8, lines 62-67) *Fisher et al.* states that "[b]y **installing software at the manufacturing site instead of relying on the consumer for installation** proper configuration of the machine is ensured and the overhead of customer support is minimized." (Col. 7, lines 6-9) FIG. 1 clearly shows that the configuration process disclosed by *Fisher et al.* takes place at a remote manufacturing facility and not at a customer's premises or under the control of a customer. Further, *Fisher et al.* explicitly specifies that the designated configuration software "is to be installed on the assembled unit before it leaves the manufacturing facility." (Col. 11, lines 33-35). *Fisher et al.* therefore does not teach or suggest the remote configuration of a selected device physically possessed by a customer. Additionally, *Chou et al.* fails to cure the deficiencies of *Fisher et al.* As a result, claim 1 is allowable over the combination of *Fisher et al.* and *Chou et al.* Applicant respectfully therefore requests that this rejection be reconsidered and withdrawn.

Claims 2-7 depend from independent claim 1 and are allowable for at least the reasons applicable to claim 1, as well as due to the features recited therein.

Independent claims 8, 15, 19, 26 and 32 recite features similar to those recited in claim 1 and are therefore allowable over the cited art for at least those reasons applicable to claim 1. Further, claims 9-14, 16-18, 20-25, 27-31 and 33-35 are allowable for at least those reasons stated above and based on their respective dependencies on independent claims 18, 15, 19, 26 and 32.
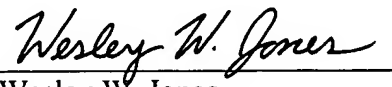
CONCLUSION

Applicants respectfully request entry of the above amendments and favorable action in connection with this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4419 to discuss any matter concerning this application.

All claims are allowable. Allowance is solicited.

Respectfully submitted,

Dated: July 11, 2006

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